

IN RE: PETITION FOR ZONING VARIANCE • BEFORE THE
Intersection Hamershire Road • ZONING COMMISSIONER
and Beth Court • "Swings Ridge"
14th Election District • OF BALTIMORE COUNTY
1st Councilmanic District • Case No. 93-4-A
Kimberly Woods Village, Inc. •
Petitioner •

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that subdivision known as Owings Ridge (a.k.a. Brenton Woods) in the Owings Mills section of Baltimore County. The Petitioner seeks relief under the Petition for 19 different lots within the subdivision. The specific variances requested all relate to building setbacks, window to window setbacks, window to lot line setbacks, window to tract boundary setbacks and/or window to right of way setbacks. The specific variance applicable to each of the 19 lots is fully set forth on Petitioner's Exhibits Nos. 1A and 1B, the site plan to accompany the Petition for Variance, as well as the attachment to the Petition.

Several witnesses appeared on behalf of the Petition. These included Bonnie Silbert, the Broker responsible for the marketing of the subject properties. Also appearing was Dwight Little, a Professional Engineer who prepared the site plan. A resident of the subject community, Betty Jolles of 8 Beth Court, also appeared on behalf of the Petition. The Petitioner/Developer, Kimberly Woods Village, Inc., was represented by Newton A. Williams, Esquire. Appearing as interested persons were Eugene M. Devers and Howard F. Patterson, residents of the locale.

Ms. Silbert testified that she is the President of Landmark Realty and is responsible for the sale of the residential units within the subject subdivision. She indicated that the site originally received C.R.G. approval in 1986. Originally, the project was known as Owings Ridge, but has been redesignated as Brenton Woods. The subject community contains approximately 260 houses. Within this number, there are 231 townhomes and 29 single family homes. Much of the townhome portion of the community has been built and is occupied. The subject Petition, however, relates to 19 unimproved single family dwelling lots.

Ms. Silbert related that 5 models of the single family dwellings are available. These include two different ranch styles and 3 colonial styles. She further testified that the ranch models are the most popular. Further, her testimony was that the setback requirements for this property are governed by the Comprehensive Manual of Development Policy regulations in effect at the time the original plan was approved. These requirements, which are more stringent than the requirements in effect today, significantly hinder development of the single family house portion of the subdivision. Quite often, for example, the setbacks for a given lot will not allow any dwelling other than one of the smaller colonial models. In Ms. Silbert's opinion, the granting of the variances would provide for a more consistent and orderly development and allow the Developer freedom to construct in accordance with market demands. Specifically, if the variances are granted, any of the five (5) styled houses could be built on the subject lots.

Mr. Dwight Little also testified. He echoed the testimony offered by Ms. Silbert. He noted that practical difficulty and undue hardship would result if the variances were denied. His conclusion is based upon the

significant restriction upon the dwelling type imposed by strict adherence to the prescribed setbacks. In his view, the variance should be granted to provide the Developer with a proper degree of flexibility to construct the subdivision. He also believes that no detrimental affect will result to the surrounding locale if the variances were granted.

Mrs. Betty Jolles, who resides in one of the few single family houses already constructed in the community, also testified. She concurred with the testimony of Ms. Silbert and Mr. Little.

Testimony was also received from Eugene N. Devers and Howard F. Patterson. These gentlemen do not reside in the subject community, but in a residential development immediately adjoining same. They do not object to the variances.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject lots which are the subject of the variances requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to these particular parcels. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of August, 1992 that a variance to permit building to building setbacks, window to window setbacks, window to lot line setbacks, window to tract boundary setbacks and/or window to right of way setbacks for each of the 19 lots in the subdivision known as Owings Ridge (a.k.a. Brenton Woods), in accordance with petitioner's Exhibits Nos. 1A and 1B, be and is hereby GRANTED; subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk

ORDER RECEIVED FOR FILING
Date 8/27/92
By Dr. J. J. [Signature]

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until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LES/mmm

Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386

August 26, 1992

Newton A. Williams, Esquire
Nolan, Williams and Plumhoff
Court Towers, Suite 700
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 93-4-A
Petition for Zoning Variance
Kimberly Woods Village, Inc.

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att: Mr. Dwight Little
W. Duwall and Assoc., Inc.
530 E. Joppa Road
Towson, Maryland 21204

JUN 23 '92 15:30 W/DUVAL 89-1513 P.2/2

Petition for Variance
93-4A

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section See Attachment "A"

To Be Discussed at Hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Engineer:

W. Duwall & Associates, Inc.

Signature: [Signature]

530 East Joppa Road

Towson, MD 21286

City and State

Attorney for Petitioner:

To Be Determined.

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Kimberly Woods Village, Inc.

Signature: [Signature]

Harry Hochman, President

Signature: [Signature]

P.O. Box 6144 (410) 522-4987

Baltimore, MD 21231

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Bonnie Silbert

Signature: [Signature]

P.O. Box 6194 (410) 522-4987

Baltimore, MD 21231

City and State

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2HR. +

AVAILABLE FOR HEARING

MON./TUES./WED. - BEST TWO MONTHS

ALL OTHERS

REVIEWED BY: JCM DATE 7-8-92

93-4A
Lot #184
Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 17 feet in lieu of the required 25 feet to the existing building on lot 183 and a variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the proposed building on lot 185 and a variance from sections 1801.2.C.2.b (B.C.Z.R.) and V.B.6.c (C.M.D.P.) to permit a window to window distance of 20 feet in lieu of the required 40 feet to the proposed window on lot 185 and a Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 10 feet in lieu of the required 15 feet to both side lot lines.

Lot #185
Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 18 feet in lieu of the required 25 feet to the existing building on lot 186 and a variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the proposed building on lot 184 and a variance from sections 1801.2.C.2.b (B.C.Z.R.) and V.B.6.c (C.M.D.P.) to permit a window to window distance of 20 feet in lieu of the required 40 feet to the proposed window on lot 184 and a Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 10 feet in lieu of the required 15 feet to both side lot lines.

Lot #186
Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the existing building on lot 187 and a variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 21 feet in lieu of the required 25 feet to the proposed building on lot 189 and a variance from sections 1801.2.C.2.b (B.C.Z.R.) and V.B.6.c (C.M.D.P.) to permit a window to window distance of 21 feet in lieu of the required 40 feet to the proposed window on lot 189 and a Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 10 feet in lieu of the required 15 feet to both side lot lines.

Lot #188
Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 21 feet in lieu of the required 25 feet to the proposed building on lot 188 and a variance from sections 1801.2.C.2.b (B.C.Z.R.) and V.B.6.c (C.M.D.P.) to permit a window to window distance of 21 feet in lieu of the required 40 feet to the proposed window on lot 188 and a Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 10 feet in lieu of the required 15 feet to both side lot lines.

ORDER RECEIVED FOR FILING
Date 8/27/92
By Dr. J. J. [Signature]

93 4 H
 Lot #173
 Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the proposed building on lot 174 and a variance from sections 1801.2.C.2.b (B.C.Z.R.) and V.B.6.c (C.M.D.P.) to permit a window to window distance of 20 feet in lieu of the required 40 feet to the proposed window on lot 174 and a Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 10 feet in lieu of the required 15 feet to both side lot lines.

Lot #174
 Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the proposed buildings on lots 173 and 175 and a variance from sections 1801.2.C.2.b (B.C.Z.R.) and V.B.6.c (C.M.D.P.) to permit a window to window distance of 20 feet in lieu of the required 40 feet to the proposed windows on lots 173 and 175 and a Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 10 feet in lieu of the required 15 feet to both side lot lines.

Lot #175
 Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the proposed buildings on lots 174 and 176 and a variance from sections 1801.2.C.2.b (B.C.Z.R.) and V.B.6.c (C.M.D.P.) to permit a window to window distance of 20 feet in lieu of the required 40 feet to the proposed windows on lots 174 and 176 and a Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 10 feet in lieu of the required 15 feet to both side lot lines.

Lot #176
 Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the proposed building on lot 175 and a variance from sections 1801.2.C.2.b (B.C.Z.R.) and V.B.6.c (C.M.D.P.) to permit a window to window distance of 20 feet in lieu of the required 40 feet to the proposed window on lot 175 and a Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 10 feet in lieu of the required 15 feet to both side lot lines.

Lot #181
 Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the proposed building on lot 182.

Lot #182
 Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the proposed building on lot 181 and a variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 14 feet in lieu of the required 15 feet.

93 4 H
 Lot #250
 Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the proposed building on lot 251 and a variance from sections 1801.2.C.2.b (B.C.Z.R.) and V.B.6.c (C.M.D.P.) to permit a window to window distance of 20 feet in lieu of the required 40 feet to the proposed window on lot 251 and a Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 10 feet in lieu of the required 15 feet to both side lot lines.

Lot #251
 Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the proposed building on lots 250 and 252 and a variance from sections 1801.2.C.2.b (B.C.Z.R.) and V.B.6.c (C.M.D.P.) to permit a window to window distance of 20 feet in lieu of the required 40 feet to the proposed window on lots 250 and 252 and a Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 10 feet in lieu of the required 15 feet to both side lot lines.

Lot #252
 Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the proposed building on lot 251 and a variance from sections 1801.2.C.2.b (B.C.Z.R.) and V.B.6.c (C.M.D.P.) to permit a window to window distance of 20 feet in lieu of the required 40 feet to the proposed window on lot 251 and a Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 10 feet in lieu of the required 15 feet.

Lot #255
 Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the proposed building on lot 256 and a variance from sections 1801.2.C.2.b (B.C.Z.R.) and V.B.6.c (C.M.D.P.) to permit a window to window distance of 20 feet in lieu of the required 40 feet to the proposed window on lots 255 and 257 and a Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 10 feet in lieu of the required 15 feet to both side lot lines.

Lot #256
 Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the proposed building on lots 255 and 257 and a variance from sections 1801.2.C.2.b (B.C.Z.R.) and V.B.6.c (C.M.D.P.) to permit a window to window distance of 20 feet in lieu of the required 40 feet to the proposed window on lots 255 and 257 and a Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 10 feet in lieu of the required 15 feet to both side lot lines.

93 4 H
 Lot #257
 Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the proposed building on lot 256 and a variance from sections 1801.2.C.2.b (B.C.Z.R.) and V.B.6.c (C.M.D.P.) to permit a window to window distance of 20 feet in lieu of the required 40 feet to the proposed window on lot 256 and a Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 10 feet in lieu of the required 15 feet.

Lot #258
 Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the proposed building on lot 259 and a variance from sections 1801.2.C.2.b (B.C.Z.R.) and V.B.6.c (C.M.D.P.) to permit a window to window distance of 20 feet in lieu of the required 40 feet to the proposed window on lot 259 and a Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 10 feet in lieu of the required 15 feet to both side lot lines.

Lot #259
 Variance from sections 1801.2.C.1 (B.C.Z.R.) and V.B.3.b (C.M.D.P.) to permit a distance of 20 feet in lieu of the required 25 feet to the proposed building on lot 258 and a variance from sections 1801.2.C.2.b (B.C.Z.R.) and V.B.6.c (C.M.D.P.) to permit a window to window distance of 20 feet in lieu of the required 40 feet to the proposed window on lot 258 and a Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 10 feet in lieu of the required 15 feet.

Lot #280
 Variance from sections 1801.2.C.6 (B.C.Z.R.) and V.B.6.b (C.M.D.P.) to permit a window to lot line distance of 8 feet in lieu of the required 15 feet.

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

ZONING DESCRIPTION
 PART OF OWINGS RIDGE
 4TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point being North 15 degrees East 390 feet more or less from the centerline intersection of Gwynbrook Avenue, 60 feet wide, and Hamershire Road, 60 feet wide, said point being designated as coordinate point no. 12 as shown on a plat entitled "First Amended Plat Three Owings Ridge" and recorded among the Land Records of Baltimore County in Plat Book S.M. 60 Folio 74; thence

1. South 51 degrees 11 minutes 22 seconds West 136.25 feet; thence
2. South 33 degrees 12 minutes 29 seconds East 28.09 feet; thence
3. South 47 degrees 22 minutes 18 seconds West 141.86 feet; thence
4. North 35 degrees 42 minutes 46 seconds East 436.50 feet; thence
5. North 54 degrees 17 minutes 14 seconds West 211.92 feet; thence
6. South 27 degrees 52 minutes 54 seconds East 24.23 feet; thence
7. North 82 degrees 28 minutes 54 seconds East 67.21 feet; thence
8. South 37 degrees 23 minutes 35 seconds East 82.82 feet; thence
9. North 52 degrees 36 minutes 25 seconds East 45.00 feet; thence
10. South 37 degrees 23 minutes 35 seconds East 224.60 feet to the point of beginning.

CONTAINING 102,987 square feet or 2.3643 acres of land more or less.



530 East Joppa Road/Towson, Maryland 21204/(410) 583-9571

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

ZONING DESCRIPTION
 PART OF OWINGS RIDGE
 4TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point being North 30 degrees East 530 feet more or less from the centerline intersection of Hamershire Road, 60 feet wide, and Bath Court, 50 feet wide, said point being designated as coordinate point no. 9 as shown on a plat entitled "1st Amended Plat Two Owings Ridge" and recorded among the Land Records of Baltimore County in Plat Book S.M. 60 Folio 73; thence

1. South 27 degrees 11 minutes 30 seconds East 385.04 feet; thence
2. By a curve to the right having a radius of 913.00 feet and an arc length of 51.42 feet; thence
3. South 86 degrees 00 minutes 00 seconds East 436.07 feet; thence
4. By a curve to the left having a radius of 997.00 feet and an arc length of 145.89 feet; thence
5. South 89 degrees 08 minutes 27 seconds West 193.57 feet; thence
6. North 43 degrees 20 minutes 20 seconds East 511.13 feet; thence
7. South 48 degrees 39 minutes 01 seconds East 8.25 feet; thence
8. North 43 degrees 20 minutes 35 seconds East 340.88 feet to the point of beginning.

CONTAINING 176,544 square feet or 4.069 acres of land, more or less.



530 East Joppa Road/Towson, Maryland 21204/(410) 583-9571

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: _____ Date of Posting: 7/11/92
 Posted for: Zoning map correction
 Petitioner: Blair County
 Location of property: 4310 Rte. 108, Towson, Md.
 Location of sign: 4310 Rte. 108, Towson, Md.
 Remarks: _____
 Posted by: _____ Date of return: 7/17/92
 Number of signs: 1

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 4th Date of Posting: August 4, 1992
 Posted for: Variance
 Petitioner: Kimberly Woods Village, Inc.
 Location of property: 2010 Hamershire and Bath Court
 Location of sign: One sign NW side of Gwynbrook Avenue in front of subject property
 Remarks: _____
 Posted by: S.J. Costa Date of return: August 7, 1992
 Number of signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 24, 1992
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 23, 1992

THE JEFFERSONIAN,

S. Zeke Orlow
 Publisher

Baltimore County
 Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

Date: 7-8-92
 Account # 001-6150
 Number: _____
 OWINGS RIDGE
 PET. Kimberly Woods Village, Inc.
 PROPERTY: Hamershire and Bath Court
 93-4-A Commercial Use: 13' lots \$650.00

10-20-92 10:14 AM \$50.00
 Please Make Checks Payable To: Baltimore County

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: *Rafael J. Fainberg* Date: 7/27/92

Project Name: Stonegate at Patapsco (Aerial Property)
Meeting Date: 6-1-92

File Number	Waiver Number	Zoning Issue	Meeting Date
90476		TE (Waiting for developer to submit plans first)	6-1-92
COUNT 1			
✓	Howard Glen And Mary F. Miller	Work #1 N/C	7-20-92
DED DEPRM RP STP TE			
✓	Kimberly Woods Village, Inc.	Work #2 N/C	
DED DEPRM RP STP TE			
✓	David F. And Frances Kelly	Work #3 N/C	
DED DEPRM RP STP TE			
✓	Richard G. And Connie S. Rutherford	Work #4 M/T	
DED DEPRM RP STP TE			
COUNT 4			
FINAL TOTALS			
COUNT 5			

*** END OF REPORT ***

RECEIVED
JUL 28 1992
ZONING OFFICE

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature: *L. P. [unclear]* Date: 8/3/92

Project Name: [unclear]
Meeting Date: 6-22-92

File Number	Waiver Number	Zoning Issue	Meeting Date
91360		FRS-1	6-22-92
COUNT 1			
✓	RMS Nominee, Inc.	527	6-29-92
DED DEPRM			
COUNT 1			
✓	Theresa A. Mahlstedt	4	7-13-92
DED DEPRM RP STP TE			
COUNT 1			
✓	Howard Glen And Mary F. Miller	11	7-20-92
DED DEPRM			
✓	Kimberly Woods Village, Inc.	12	
DED DEPRM STP			
✓	David F. And Frances Kelly	13	
DED DEPRM			
✓	Richard G. And Connie S. Rutherford	14	
DED DEPRM			
COUNT 5			
✓	The Marsden Chevrolet, Inc.	15	7-27-92
DED DEPRM RP STP TE			

91360
Dwings Run Apartments
DED DEPRM (SWM) (EIRD)

*** END OF REPORT ***

RECEIVED
AUG 11 1992
ZONING OFFICE

93-3-A Aug. 24
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 4, 1992

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item # Work #4
W/S Philadelphia Road, 700' S of Centerline of New Forge Road
Zoning Advisory Committee Meeting of July 20, 1992

Any streams and wetlands on and within 200 ft. off-site must be field delineated by a qualified environmental consultant. This office required this information in its concept plan review comments in April of 1992. An intermittent stream system exists just off-site on the I-95 right-of-way.

JLP:sp

JABLON/S/TXTS/BP

RECEIVED
AUG 11 1992
ZONING OFFICE

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
JULY 23, 1992 (410) 887-4548

RE: Property Owner: KIMBERLY WOODS VILLAGE, INC.
Location: AFA OWINGS FIDGE
Item No.: + WORK #2 (JCM) Zoning Agenda: JULY 20, 1992
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *[Signature]* Noted and Approved
Planning Group Special Inspection Division Fire Prevention Bureau

JP/KEK

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JUL 27 1992
ZONING OFFICE

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature: *[Signature]* Date: 7/27/92

Project Name: [unclear]
Meeting Date: 7-20-92

File Number	Waiver Number	Zoning Issue	Meeting Date
✓	Howard Glen And Mary F. Miller	Work #1	7-20-92
DED DEPRM RP STP TE			
✓	Kimberly Woods Village, Inc.	No Comments	
DED DEPRM RP STP TE			
✓	David F. And Frances Kelly	Work #3	
DED DEPRM RP STP TE			
✓	Richard G. And Connie S. Rutherford	Work #4	
DED DEPRM RP STP TE			
COUNT 4			
FINAL TOTALS			
COUNT 4			

*** END OF REPORT ***

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JUL 28 1992
ZONING OFFICE

93-4-A 8/24/92
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: August 6, 1992

SUBJECT: Kimberly Woods Village

INFORMATION:
Item Number: 12

Petitioner: Kimberly Woods Village

Property Size: 35.48 acres

Zoning: D.R. 16, D.R. 3.5

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting variance from Section 1801.2.C.1 of the Zoning Regulations and Section V.B.3.b of the Comprehensive Manual of Development Policies which pertain to building setback requirements in D.R. zones.

The Office of Planning and Zoning recommends APPROVAL of the petitioner's request.

The Office of Planning and Zoning's area planner made a site visit and found that what this petitioner is requesting would be compatible with surrounding developments. In those instances where setbacks will be deficient, good site design was implemented by utilizing a layout that considered house orientation, configuration and terrain.

Prepared by: *Francis Murray*

Division Chief: *[Signature]*

PH/EMD:rdm

RECEIVED
AUG 11 1992
ZONING OFFICE

12. ZAC/ZAC1

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

June 29, 1992

Mark A. Kromm
Assistant Project Engineer
W. Duvall & Associates, Inc.
530 East Joppa Road
Towson, MD 21204

RE: Owings Ridge F.D.P.
4th Election District

Dear Mr. Kromm:

This letter affirms the results of our most recent telephone conversation wherein we discussed the proposed variances on several lots in the existing Owings Ridge subdivision. At issue was whether these variances would require amendment approval via the Planning Board prior to a zoning hearing. After consulting with Pat Keller, Deputy Director of Planning, it was determined that the plan need not be presented to the Board since there are no proposed physical changes to that document (i.e., building envelope, lot lines, density, general notes). If the variance requests are granted, as part of the hearing process an up-dated F.D.P. will be required illustrating all requests, the order and any restrictions set forth by the Zoning Commissioner at that hearing. This office also asks that when filing your petition request, you enclose a copy of this letter with your variance package.

If you need further information or have any questions, please do not hesitate to contact Mitchell Kellman at 887-3391.

Very truly yours,
WCR
W. Carl Richards, Jr.
Zoning Coordinator

By: *[Signature]*
Mitchell J. Kellman
Planner II

MJK:scj

RECEIVED
JUL 2

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>[Signature]</i>	206 [unclear]
<i>[Signature]</i>	216 Gwynnbrook Ave.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Newton Williams</i>	200 Court Tower
<i>Bonnie Suddart</i>	1908 Sharnock St. Suite 100
<i>Betty Jellis</i>	8 Park Ct
<i>Phyllis Little</i>	W. Duvall & Assoc., Inc. 530 E. Joppa Road, Towson 21286

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21285-5517
887-3211
FAX 887-5862

August 17, 1993

HAND-DELIVERED

P. David Fields, Director
Baltimore County Office of
Planning and Zoning
County Courts Building, Suite 406
401 Bosley Avenue
Towson, Maryland 21204

Re: Zoning Map Correction Request
Property Owner: Nichos J. Frank
Property Location: S/E side Reisterstown Road and
Rosewood Lane

Dear Mr. Fields:

On behalf of Nick Frank, owner of the above-referenced 2.33 acre property on Reisterstown Road, we write to request your assistance in obtaining a technical map correction for a small sliver of the property which we believe was erroneously zoned DR 3.5 in 1971 and should instead be zoned BL-CNS consistent with the rest of the property. As a courtesy to you, we have enclosed a draft of the Petition for Zoning Map Correction as well as other supporting documentation and would like to also provide you with a brief background of this matter.

Our review of the area in question on Baltimore County's official 200' scale Zoning Map (part of map NW 11H) indicates that while the site is zoned predominantly BL-CNS, a small portion of DR 3.5 exists (.361 acres), of which the current owner, Nick Frank, was not aware. We contend that the current .361 acres of DR 3.5 zoning on the property is the result of a technical drafting error that occurred in 1971 and that the entire property should be zoned BL-CNS in accordance with the property's original zoning description from 1958. This original description indicates that the intent was to establish the tract boundary as the zoning boundary.

5. A review of the zoning map description relevant to this parcel, approved January 18, 1957, indicates that the zone line was supposed to be 255 feet from the center line of Reisterstown Road.

6. If this measurement is scaled from the actual centerline of Reisterstown Road as established by Baltimore County Metropolitan District Grid coordinates, the zone line is coincidental with the property boundary.

7. When the 1971 maps were drawn and scaled off they should have been scaled off so that they were consistent with the January 18, 1957 map description. It was a technical drafting error that created the sliver or strip of land with inconsistent zoning as described previously.

8. There were no issues in 1971 or later maps that changed or otherwise moved the zone line at issue. Accordingly, the zone line should have been drafted and carried over from the January 18, 1957 description and it was a technical drafting error in 1971 that created a gap between the zone line and the property line, a gap that did not exist under the property's original description in January 18, 1957.

9. Accordingly, since the zone line on January 18, 1957 was the same as the property line and since there have been no issues since then to change the zone line, the sliver or strip or gap of inconsistent zoning currently on the maps must have been the result of a drafting error in creating the 1971 maps and said error has been carried over since then on all other comprehensive maps.

Baltimore County Government
Office of Planning and Zoning

401 Bosley Avenue
Towson, MD 21204

887-3211
FAX 887-5862

August 25, 1993

Mr. Robert A. Hoffman
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

RE: Zoning Map Correction (Nichos J. Frank Property)
Certification of findings of the Director of the Office of
Planning and Zoning - Case No. M.C. 93-4

Dear Mr. Hoffman:

In response to your client's notice of an error on the 1992 - 200' scale zoning map and pursuant to Section 26-134(b)(2) of the Baltimore County Code, the Director of the Office of Planning and Zoning certifies his findings as follows:

Based upon a review of the 1971 Comprehensive Zoning Map, it is apparent that a technical drafting error occurred resulting in a change of the property's zoning classification when there was no request before the County Council to do so. This drafting error resulted in the rear portion of the property being reclassified from B.L. to D.R. 5.5.

This property was the subject of the same map correction request in 1991 and the Board of Appeals ordered that the necessary change and correction be made to the latest Comprehensive Zoning Map pursuant to a plan prepared by the property owner's engineer. Unfortunately, the necessary change was not accurately depicted on the prepared exhibit, and the Board's order to correct the map was not accomplished.

Therefore, the Office of Planning will prepare a Petition for correction of zoning designation on which Nichos J. Frank will be joined by Baltimore County as parties. If there should be any questions, please contact me at 887-3480.

Sincerely,

Jeffrey Long
Jeffrey Long
Area Planner

JL:lw
ZMCRFR.NK/PZONE/TX1LF

cc: Hon. C. A. "Dutch" Ruppertsberger
Merreen E. Kelly
Peter Zimmerman, Esquire
Stanley J. Schapiro, Esquire
Kathleen C. Weidenhammer
Nichos J. Frank

10. This same map correction request was previously filed by Nick Frank Enterprises and granted by the Board of Appeals in May, 1991.

11. However, due to an error on the 200' scale exhibit submitted with that request, the described area, comprising the entire BL-CNS zone, was not accurately reflected on the 200' scale official Zoning Map.

WHEREFORE, The Petitioners respectfully request that the Board of Appeals correct the zoning of the property in order to accurately reflect the legislative intent by ordering that Mr. Frank's property tract be made entirely BL-CNS as shown and described on the attached 200' scale map and description, Exhibit 1, of the attached Exhibits in Support of this Petition for Zoning Map Correction.

Stanley J. Schapiro
STANLEY J. SCHAPIRO
County Attorney
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Attorney for
Baltimore County, Maryland

PET0006.GPW

Robert A. Hoffman
ROBERT A. HOFFMAN
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204
(410) 494-6200

Attorney for
Nichos J. Frank

P. David Fields, Director
August 17, 1993
Page 2

Please note also that this same map correction request was previously filed by Nick Frank Enterprises and granted by the Board of Appeals in May, 1991. However, due to an error on the 200' scale exhibit submitted with that request, the described area, comprising the entire BL-CNS zone, was not accurately reflected on the 200' scale official Zoning Map. Thus, we are submitting another request pursuant to § 26-134 of the Baltimore County Code.

Accordingly, please find enclosed the following documents:

- (1) Petition for Zoning Map Correction;
- (2) Exhibits in Support of Petition for Zoning Map Correction; including the 200' scale Zoning Map, Description and Letter of Notification of Zoning Map Error from Nick Frank.

We hope that this documentation is sufficient to expedite this matter as much as is possible. However, should you need more information or have any questions, please do not hesitate to give me a call.

Sincerely,

Robert A. Hoffman
Robert A. Hoffman

GPW/dok
Enclosures

cc: Nichos J. Frank
James E. Matis, P.E.
Jeffrey Long

FIELDS GPW

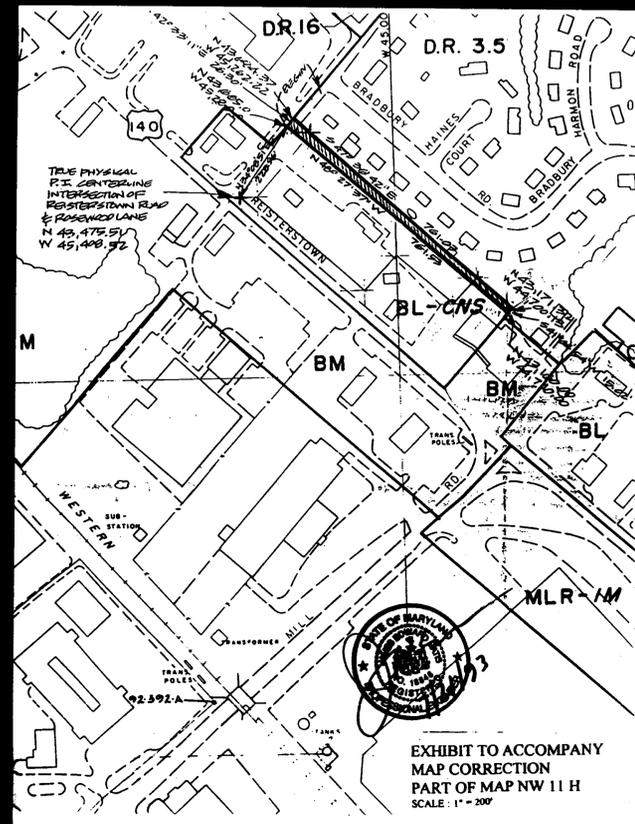
IN RE: S/E CORNER OF
REISTERSTOWN ROAD AND
ROSEWOOD LANE
NICHOS K. FRANK
AND
BALTIMORE COUNTY, MARYLAND
Petitioners

BEFORE THE
BALTIMORE COUNTY
BOARD OF APPEALS
CASE NO.:

PETITION FOR ZONING MAP CORRECTION

Nichos K. Frank, owner of a 2.33 acre tract located at the corner of Reisterstown Road and Rosewood Lane, by their attorneys, Robert A. Hoffman and Venable, Baetjer & Howard and Baltimore County, Maryland, by the Baltimore County Office of Planning and Zoning and their attorney, Stanley J. Schapiro, County Attorney, do hereby jointly petition as follows:

1. Mr. Frank is the legal owner of the 2.33 acre tract located at the southeast corner of Reisterstown Road and Rosewood Lane.
2. This parcel is primarily located in the BL-CNS zone. However, a small sliver of DR 3.5 zoned land, comprising approximately .36 acres, is located to the rear of the property.
3. Petitioners allege that there was a technical drafting error in the placement of the BL-CNS/DR 3.5 line at the rear of the parcel. Petitioners allege that the line should have been drafted so as to coincide with the property line.
4. The rear property line of Mr. Frank's parcel and his predecessors in title has been consistent and not changed for the last forty (40) years.



SUMMARY OF ZONING VARIANCE					
LOT #	BUILDING TO BUILDING	WINDOW TO WINDOW	WINDOW TO LOT LINE	WINDOW TO TRACT BOUNDARY	WINDOW TO RIGHT OF WAY
161	20				
162	20		14		
164	17/20	20	10		
165	16/20	20	10		
168	20/21	21	10		
169	21	21	10	30	
173	20	20	10		
174	20	20	10		
175	20	20	10		
176	20	20	10		23

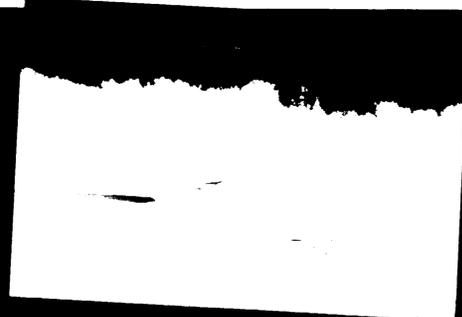
Pet Ex 166

SUMMARY OF ZONING VARIANCE					
LOT #	BUILDING TO BUILDING	WINDOW TO WINDOW	WINDOW TO LOT LINE	WINDOW TO TRACT BOUNDARY	WINDOW TO RIGHT OF WAY
250	20	20	10		
251	20	20	10		
252	20	20	10		
253	20	20	10		
254	20	20	10		
257	20	20	10		
258	20	20	10		
259	20	20	10		
260			6		

H O A
OPEN SPACE



A. SW end of Beth Court



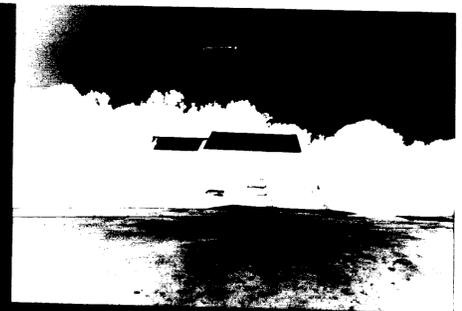
B. NE end of Beth Court

Brenton Woods.

Peterson
2



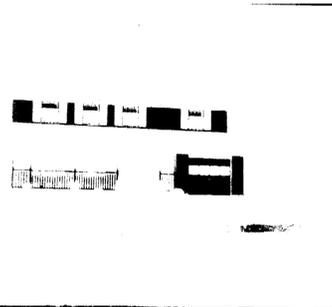
C. Head of Beth Court



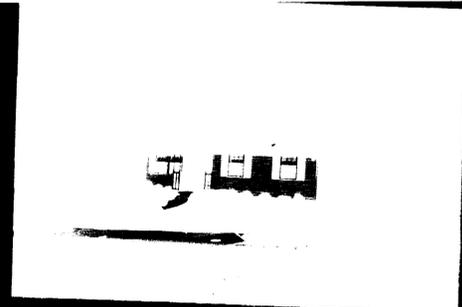
D. Cul-de-sac on Beth Court

Brenton Woods.

Petz
2



E. Large Colonial - B-3 on Beth Court



F. Julia Home - 8 Beth Court

Brenton Woods

Petz
2



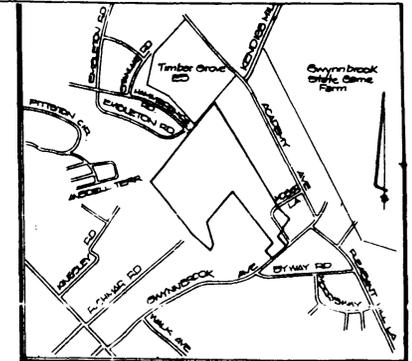
G. Rancher on Beth Court



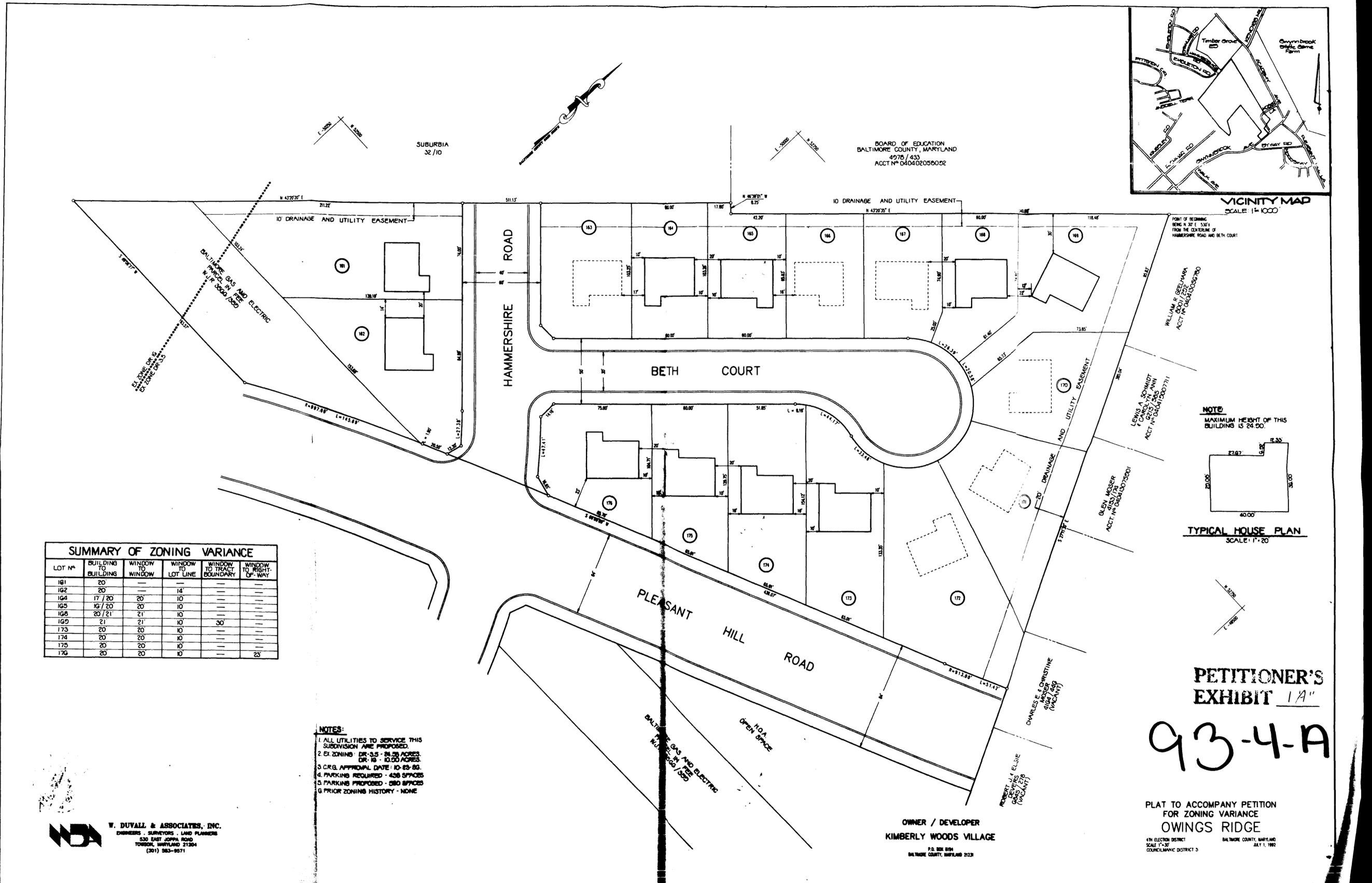
H. Townhouses to SE of Beth Court

Brenton Woods.

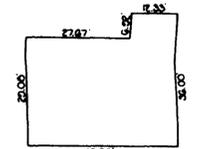
Petz
2



VICINITY MAP
SCALE 1"=1000'



NOTE
MAXIMUM HEIGHT OF THIS BUILDING IS 24.00'



TYPICAL HOUSE PLAN
SCALE 1"=20'

SUMMARY OF ZONING VARIANCE					
LOT #	BUILDING TO BUILDING	WINDOW TO WINDOW	WINDOW TO LOT LINE	WINDOW TO TRACT BOUNDARY	WINDOW TO RIGHT-OF-WAY
161	20	—	—	—	—
162	20	—	14'	—	—
164	17 / 20	20'	10'	—	—
165	10 / 20	20'	10'	—	—
166	20 / 21	21'	10'	—	—
169	21	21'	10'	30'	—
173	20	20'	10'	—	—
174	20	20'	10'	—	—
175	20	20'	10'	—	—
176	20	20'	10'	—	23'

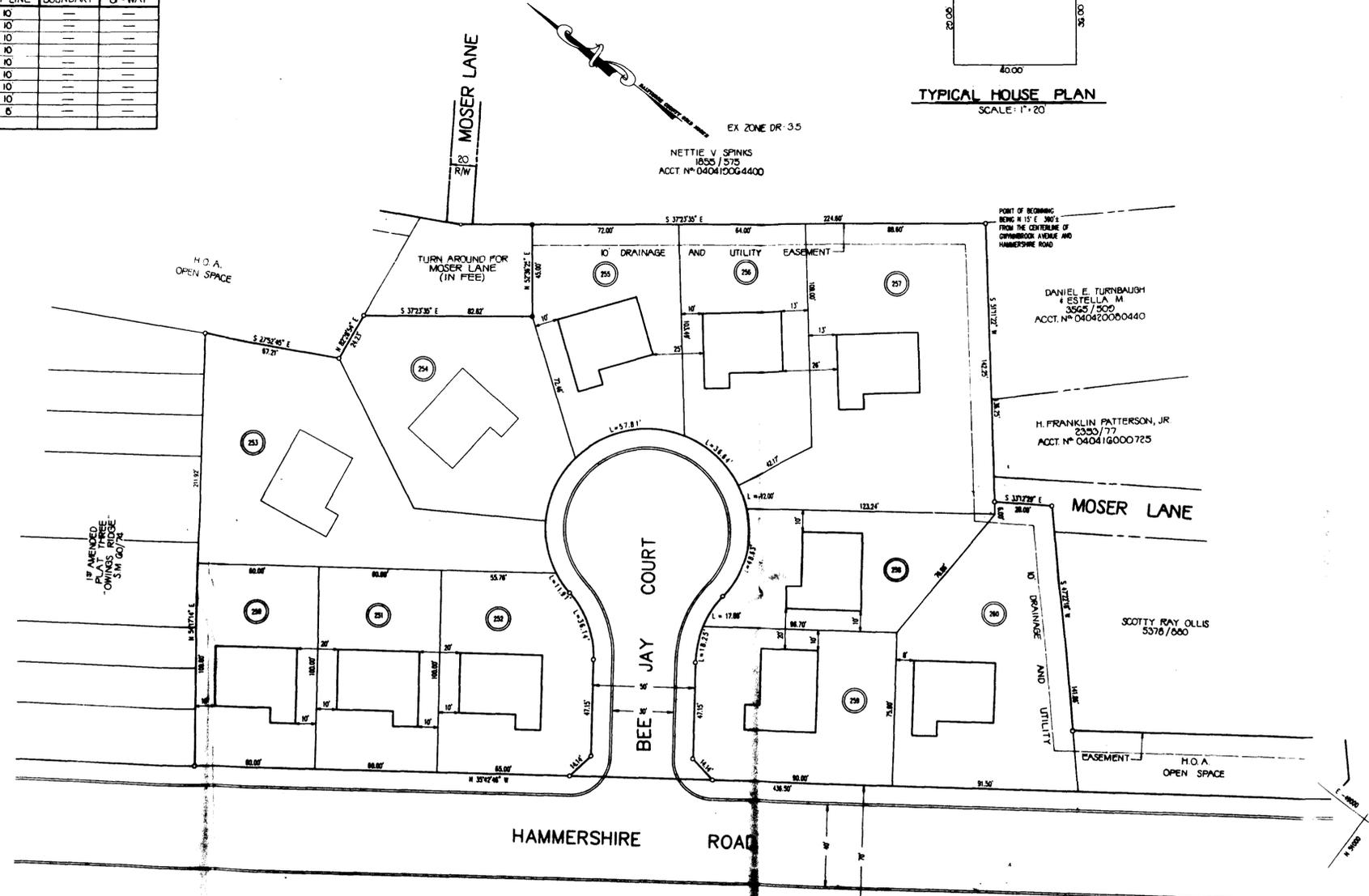
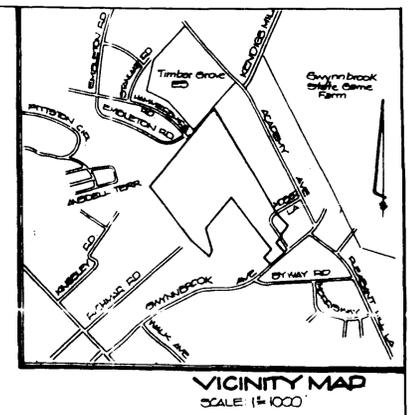
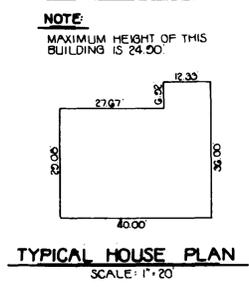
- NOTES:
1. ALL UTILITIES TO SERVICE THIS SUBDIVISION ARE PROPOSED.
 2. EX. ZONING - DR-3.5 - 24.26 ACRES, DR-16 - 10.00 ACRES.
 3. C.R.G. APPLICABLE DATE - 10-25-80.
 4. PARKING REQUIRED - 436 SPACES
 5. PARKING PROVIDED - 580 SPACES
 6. PRIOR ZONING HISTORY - NONE

W. DUVALL & ASSOCIATES, INC.
ENGINEERS, SURVEYORS, LAND PLANNERS
630 EAST JOPPA ROAD
TOWSON, MARYLAND 21284
(301) 583-9571

OWNER / DEVELOPER
KIMBERLY WOODS VILLAGE
P.O. BOX 824
BALTIMORE COUNTY, MARYLAND 21232

PETITIONER'S EXHIBIT 1A
93-4-A
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
OWINGS RIDGE
4TH ELECTION DISTRICT
SCALE 1"=30'
COUNCILMAN'S DISTRICT 3
BALTIMORE COUNTY, MARYLAND
JULY 1, 1992

SUMMARY OF ZONING VARIANCE					
LOT N°	BUILDING TO BUILDING	WINDOW TO WINDOW	WINDOW TO LOT LINE	WINDOW TO TRACT BOUNDARY	WINDOW TO RIGHT-OF-WAY
250	20'	20'	10'	---	---
251	20'	20'	10'	---	---
252	20'	20'	10'	---	---
253	20'	20'	10'	---	---
254	20'	20'	10'	---	---
255	20'	20'	10'	---	---
256	20'	20'	10'	---	---
257	20'	20'	10'	---	---
258	20'	20'	10'	---	---
259	20'	20'	10'	---	---
260	---	---	6'	---	---



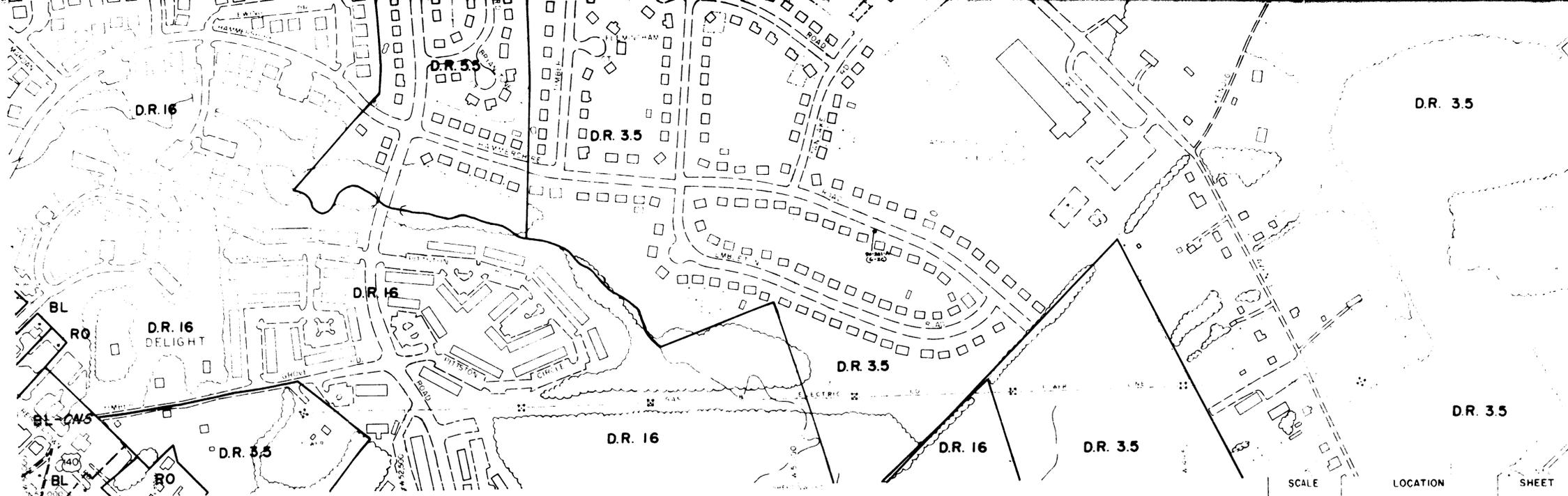
- NOTES:**
1. ALL UTILITIES TO SERVICE THIS SUBDIVISION ARE PROPOSED.
 2. EX ZONING: DR-3.5 (24.56 ACRES) DR-1G (10.00 ACRES)
 3. C.R.G. APPROVAL DATE: 10/23/89
 4. PARKING REQUIRED: 438 SPACES
 5. PARKING PROPOSED: 580 SPACES
 6. PRIOR ZONING HISTORY: NONE

W. DUVALL & ASSOCIATES, INC.
ENGINEERS - SURVEYORS - LAND PLANNERS
130 EAST JOPPA ROAD
TOWSON, MARYLAND 21284
(301) 583-8671

OWNER / DEVELOPER
KIMBERLY WOODS VILLAGE
P.O. BOX 844
BALTIMORE COUNTY, MARYLAND 21117

PETITIONER'S EXHIBIT 173

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
OWINGS RIDGE
4TH ELECTION DISTRICT
SCALE: 1" = 30'
COUNCIL MANDATE DISTRICT 3
BALTIMORE COUNTY, MARYLAND
JULY 1, 1992



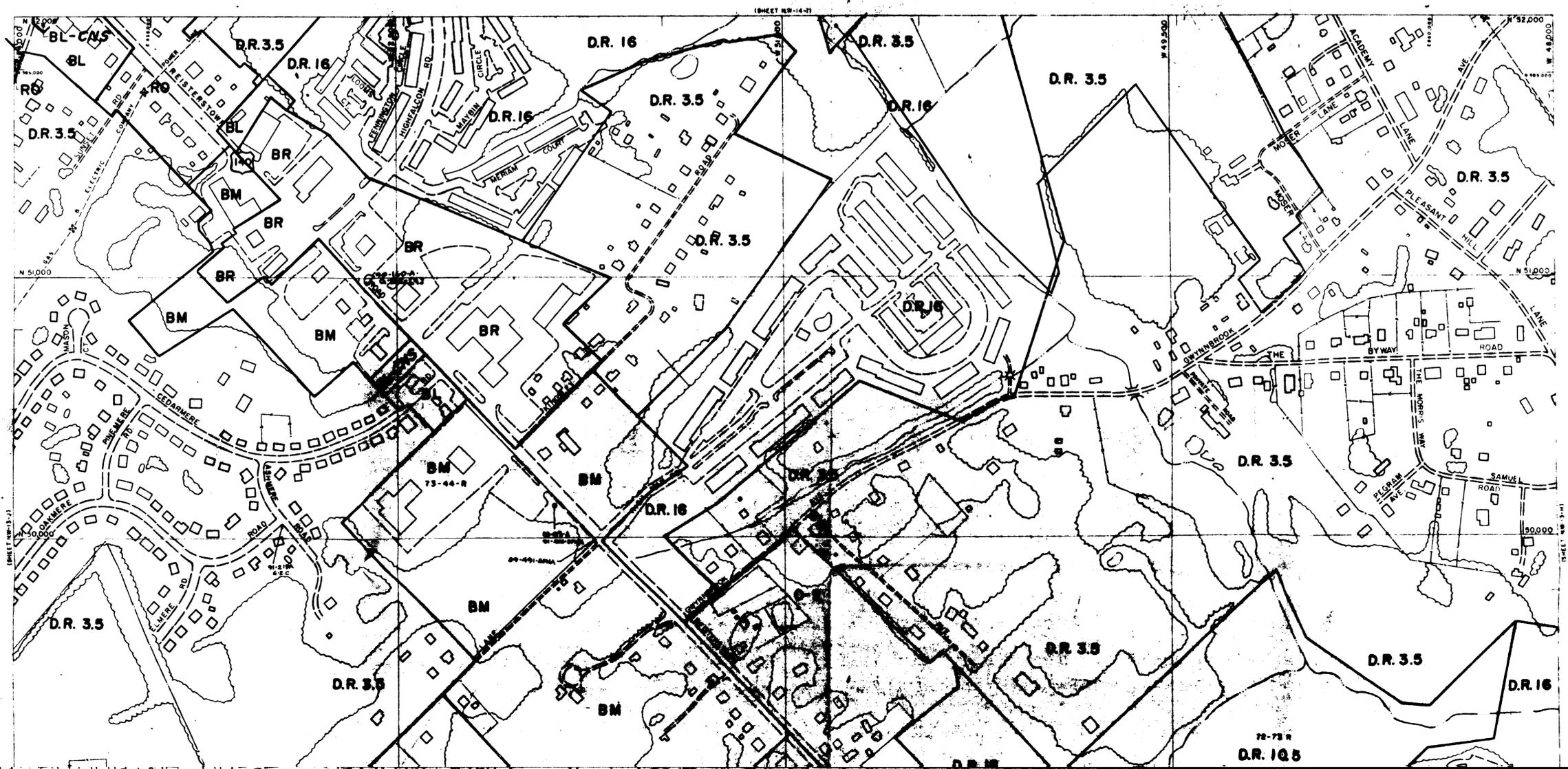
93-4-1A

1988 COMPREHENSIVE ZONING MAP
 Adopted by
 County Council
 Chairman, County Council

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 OFFICIAL ZONING MAP

SCALE 1" = 200'	LOCATION DELIGHT GWYNNBROOK	SHEET NW 14-1
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210



93-4-1A